

BEST AVAILABLE COPY**REMARKS**

The above amendment and these remarks are responsive to the FINAL Office action of Examiner Kirsten Sachwitz Apple, mailed 2 Feb 2006.

Drawings

Applicants note with appreciation that the drawings submitted 5 Jul 2002 have been received and accepted.

35 U.S.C. 103

Claims 1-12 have been rejected under 35 U.S.C. 103(a) over Bartoli et al U.S. Patent 6,047,268 (hereinafter Bartoli) in view of USBI bill and company information (hereinafter USBI).

Applicants have amended all independent claims to recite details of the invention as set forth in a first scenario (Figures 2 and 3), a second scenario (Figures 4A,

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22

S/N 09/816,264

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4B and 5) and a third scenario (Figures 6 and 7).

Typical of the Examiner's conclusions with respect to the claims is the following statement:

"...Bartoli does not... explicitly disclose 'assigning tax codes' and 'converting said tax code and tax location to a tax jurisdiction code with associated tax rate.' It is obvious... to 'process the billing request' tax would have to be calculated. In addition, USBI is an example of a company which has been doing this since 1993. USBI is a clearinghouse company for the telecommunication industry and has been calculating 'associated tax rates' in accordance with 'business rules' both for on and off-line billing." [Office Action, page 3.]

Applicants agree that, for commercial accounts where a customer is buying directly from a supplier, the tax gets calculated, and the person purchasing the goods then enters a credit card or account information as described in the Bartoli patent.

However, applicant's invention goes beyond the obvious.

END920000177US1

23

S/N 09/816,264

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It involves determining a taxability code (whether or not something is taxable at all), which is not taught by the Bartoli patent or the USBI reference.

The Examiner response states that the USBI reference shows different tax being calculated (state, federal and other), but this does not show, applicants argue, a determination as to whether individual line items are taxable at all.

If one doesn't know an item is taxable or not, then it is not obvious how it is done. Neither Bartoli or USBI even ask the question, and certainly don't suggest the solution taught by applicants.

Applicants have amended the independent claims to more clearly set forth how line item taxability (whether taxable or not) is determined in accordance with the three separate scenarios supported by the present invention.

In addition, Bartoli's patent has taxability at the order level, as distinguished from the line item level. Applicant's invention describes how taxability is determined at the item level [See specification, page 9, line 21], so

END920000177US1

24

S/N 09/816,264

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either the configuration or the user determines the taxability. There is no option for this in the Bartoli patent.

The Examiner response states that USBI shows tax being calculated for more than one order, and equates this to "line item". Applicants traverse on this point. In applicants invention, as claimed, an order contains more than one line item, with each handled separately in accordance with the various scenarios set forth in the amended claims.

Bartoli teaches, in the background section, that his invention relates to

'Further, a billing methodology that requires interactions between only the user, the merchant, and the provider of the billing service is advantageous. "
[Bartoli, last sentence of the Background section.]

This is a clear statement about a commercial offering. Applicant's invention relates to how a corporation operates to manage its tax liability for operating expenses (purchases). Further in this respect, applicants describe

END920000177US1

25

S/N 09/816,264

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grouping of company codes in order to provide flexibility as to tax liability. [Specification, page 5, lines 6-9.]

The Examiner response states that USBI is calculating tax for two different companies, and that Bartoli could be used if the buyer is any entity including an individual, a company or even a nation. Applicants traverse on this point. That two different companies may be represented in USBI, and that a buyer can be any entity does not teach applicant's claimed "company group", and the processing according to the three scenarios added to the claims by this amendment which occurs for different company groups.

Applicants request that claims 1-12 be allowed.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-12.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should

END920000177US1

26

S/N 09/816,264


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differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.B.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

S. B. Cirulli, et al.

By


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Date: 3 Apr 2006

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END920000177US1

27

S/N 09/816,264